mr 4

L G4351A

L.Dis.C1-9493-29.

Resubmitted.

Petitioner paid Rs.25/- under Treasury Chalan receipt 173/48, dated 10th August 1928 of the Imperial Bank, as fees for the inspection of his Bus. He did not apply for such inspection, however, but soon afterwards claimed a refund of the fees paid by him. I refused to entertain his refund application, as he had paid the fees into the Treasury without any orders, but I informed him that it was open to him to produce his Bus for examination and to get the prescribed certificate of fitness from the Inspector of Motor Vehicles.

2. The duplicate of the Treasury Chalan receipt was returned to the petitioner on 8th January 1929, as requested by him, and in my order, dated 24th June 1929 on his further petition, I referred him to Government. Petitioner has produced a copy of that order with his application to Government.

S.Kanara Dt.Magistrate's office,
Camp Kaup, 12th October 1929.

For Dt. Magistrate.

14.10.29

12 OCT 1929

M.D'S.14/10.

Scott. II-29—35,000—2-11-26.

Law (41) (1927) Department.

Mis SERIES.

G.O. No. 1708

DATED 25.5.1927

[Despatch Abstract.]

Official Receiver -

South Kinara - Mr. J.P. Sequeira - Memorial remuneration declined.

C.F. 30—10,000—7-8-26.

DEPARTMENT.

Law (Ge) 2202 B

Received ..... 192 *Registered* 192 4/5. 5. 27

Subject ..... -4 MAY 1927

ENCLOSURES.

No. .....

.....

Spare copies .....

R.O.C. No. 107 B-1/27

Station Madras, *Dated the* 10th April 1927

From (Name) A. C. Happell, Esq., I.C.S.,

(Designation) Registrar, High Court, Madras.

To The Secretary to the Government of Madras,

Law (General) Department.
(with one Memorial)

Sir,

Official Receiver - South Kanara - Mr.J.P. Sequeira - remuneration - increase of memorial forwarded.

Pp. 3-5 inf.

I am directed to forward the enclosed memorial addressed to the High Court by Mr. J. P. Sequeira, Official Receiver, South Kanara, in which he requests that either (1) the commission of Official Receivers be increased from 5 to 6 per cent. on the realisations or (2) that the rebate in accordance with the scale laid down in G.O.No.3036, Law (General), dated the 18th December 1923 be held in abeyance as a tentative measure for at least two years so far as his district is concerned and that the rebate of Rs.1,064-2-6 paid by him to the Government may be refunded to him and (3) that the expenditure incurred by him on the employment

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of

of an additional clerk may be refunded to him.

The Hon'ble Judges have no remarks to offer on the memorial.

I have the honour to be,

Sir,

Your most obedient servant,

REGISTRAR.

B.A.

Copy

MEMORIAL

OF

J. P. SIQUEIRA, B. A., B. L.

OFFICIAL RECEIVER

SOUTH KANARA

To

The Hon'ble Judges of the High Court of Judicature,

MADRAS.

Through

The District and Subordinate Judges of South Kanara.

Humble Petition of John P. Sequeira, B. A., B. L. Official Receiver, South Kanara, dated 6th January 1927.

MOST RESPECTFULLY SHEWETH,

1 That Petitioner was appointed Official Receiver, South Kanara with effect from 1st August 1925 and has continued till now.

2 That when he assumed charge of the office not only the administrative work but also the judicial portion of the work was in heavy arrears.

3 That his first act was to clear all administrative work as far as possible and to take up the other portion of the work. Tabular statements hereto annexed will show the quantity of work turned out by Petitioner since the assumption of duties of office.

Pp. 8-12 imp.

4 From an examination of the comparative figures in the statements, the High Court will, the Petitioner feels sure, be satisfied that more work was turned out during the period of one year the Petitioner was in office than that during the whole period which has elapsed since the appointment of the Official Receiver in the District.

5 This outturn of work would have been impossible if, instead of devoting his attention exclusively to insolvency work, he had attended to his professional duties also. The result of his devotion to this work has been that he has not derived any income from the latter source but had to be content with the income which accrued to him from the insolvency work. The latter amounted to Rs. 4,160—6—4 for a period of eight months which works out at Rs. 520 per month: out of this Rs. 1,064—2—6 had to be refunded to Government by way of rebate as per High Court R. O. C. No. 3725/22 dated 25—12—1923 communicating copy of G. O. No. Mis. 3036 Law, General dated 18—12—1923; hence the net income derived by Petitioner amounts to Rs. 387 per month.

'K'

6 Petitioner submits that he had to work at very high pressure and to the great detriment of his professional work which brought him an average income of Rs. 400 approximately.

7 The Official Receiver when first appointed was paid a monthly salary of Rs. 50 in addition to his remuneration without any rebate but under the order of Government adverted to above, the monthly salary has been abolished and consequently the remuneration of Official Receiver has been substantially reduced.

8 Petitioner ventures to submit that the above remuneration is scarcely commensurate with the quantity of work and energy and time devoted to it.

9 Petitioner begs to point out in this connection that in consequence of the prompt disposal of the insolvency work by him as will be seen from the remarks made by the District Judge in his review of the work of the Official Receiver, extract of which is hereto appended, the work of the Subordinate Judge especially who has been invested with full insolvency jurisdiction has enormously increased and this is due to the proportionate increase in Petitioner's office. In nearly every case reports called for have to be submitted in the course of a short period to enable the Subordinate Judge to dispose of the cases expeditiously. Further the time for discharge granted by the Courts being limited to six months, all the estates have to be administered fully as far as possible during that period.

Vide 'A' on page 7 inf

10 Petitioner was very much handicapped owing to the fact that in a large number of cases properties belonging to the insolvents had not been taken possession of and the latter were using the usufruct of the properties to the prejudice of the creditors and this work was attended to by Petitioner at considerable sacrifice of his health, as the properties were scattered throughout the District. The sale of both moveable and immoveable properties had been held until Petitioner's appointment in Mangalore instead of at the places where the properties were situated or the moveables had been seized; one result of this was that the proceeds realised were altogether disproportionate to the intrinsic value of the properties and both the insolvents and the creditors suffered loss as none of the bidders would be willing to go to Mangalore situated at a distance of 50 or 60 miles from the properties at considerable expense. Petitioner made a departure from this practice and held the sales at the head quarters of the localities concerned and this benefited the parties to a large extent and brought a larger remuneration to the Petitioner which indirectly also benefited the Government.

11 All the circumstances narrated above will show that the Official Receiver has not spared himself in the performance of his duties though his remuneration has not been adequate.

12 One serious disadvantage which he has laboured under is that there is only one clerk sanctioned to his office, and owing to the enormous scriptory work turned out during the period, he had to engage the services of another clerk on a monthly salary of Rs. 35 from out of his own pocket as the permanent clerk was not able to cope with the work at all. This has still further reduced his remuneration,

Petitioner begs to point out that unless assistance is given to the permanent clerk it would be impossible to maintain the administrative work up to date and there will be heavy arrears in the future. This state of things may be obviated if the High Court should concur in the proposal which the Petitioner ventures to put forward for their consideration, namely, that the remuneration of the Official Receiver may be raised from the existing rate of 5% to 6% and all the contingencies including the salary of the clerk and peon are defrayed out of his remuneration and the rebate according to the scale laid down in the above G. O. is not enforced. This will enable the Official Receiver not only to employ additional hands as exigencies arise but also to regulate his work according to circumstances. The object of the Government in enforcing a rebate being to prevent loss to it. Petitioner ventures to submit that this arrangement will in no way cause loss to Government or involve additional expenditure.

13 From the statistics appended to this, it will be clear that the insolvency work goes on increasing day by day, mainly owing to financial embarrassment of trading classes (already 72 cases have been instituted in 1926) and at least for a period of two years the increase is likely to continue though at the same time the remuneration which will accrue to the Official Receiver, will not be proportionate to the quantity of work involved as in the majority of cases, the estates are poor and will not bring him a sufficiently adequate remuneration.

14 In conclusion Petitioner earnestly prays that on a consideration of all the circumstances set forth above, the Hon'ble Judges may be graciously pleased to recommend to the Government that either his remuneration may be increased as suggested above or the G. O. Mis. 3036 referred to above may be held in abeyance as a tentative measure for a period of at least two years so far as this District is concerned and the rebate of Rs. 1,064—2—6 paid to Government may be ordered to be refunded to Petitioner.

15 For which act of grace and generosity, Petitioner shall ever remain grateful.

Brief review of the work of the District Munsifs during the fourth quarter ending 1925.

Original Suits

There was a slight fall in these institutions in all the Courts as compared with the corresponding quarter of the previous year (Cf. 1079 with 1090 last year the fall (124) being most marked in Udipi, where the number of suits for money fall from 208 in the corresponding quarter of the previous year to 62 in the quarter under review. In other Courts there was a rise as compared with the fourth quarter of the previous year. The highest institution was in Kundapur (219) and and the lowest in Udipi (126).

2. The number of suits for disposal in all Courts together fell short of that in the corresponding quarter of the previous year and the previous quarter by 55 and 603 suits respectively and the number disposed of was less than that in the corresponding quarter of the previous year by 35 suits and by 433 suits in the previous quarter. In Puttur the disposals (250) were the same as in the corresponding quarter of the previous year, and were less than in the previous quarter by 57 suits. The disposal exceeded those in the corresponding quarter of the previous year in all the Courts except in Mangalore and Udipi and in the latter Court they fell short by 79 suits. In regard to disposals, Puttur stands first (250) next comes Udipi (237) and Kundapur follows close with 225 suits. The lowest disposal 153 was in Mangalore but these consisted of 106 suits for title, the highest in the District. The Additional District Munsif disposed of 22 suits as compared with 51 in the corresponding quarter of the last year and also the same number in the previous quarter.

3. The average duration of contested suits in all the Courts was 240 days as compared with 260 days in the previous quarter and 249 days in the corresponding quarter of the previous year The highest duration (502) was in regard to suits disposed of by the Additional District Munsif in Kundapur and the lowest (180) was in Karkal. The disposal by the former of very old suits contributed to the high average.

4. The number of suits disposed of after contest in all Courts together was 698 as compared with 672 in the corresponding quarter of the previous year and 790 in the previous quarter, the higher number being in Udipi (133). Next comes Puttur (126) and Kasargod follows close (121). The lowest number was in Mangalore (82). The disposals kept pace with the institutions in all Courts except in Mangalore and Kasargod where suits for title exceeded those for money.

5. 1990 suits were pending in all the Courts as compared with 2008 at the end of the corresponding quarter of the previous year and 2160 at the end of the previous quarter. The highest pendency of suits was in Kasargod (395) and Udipi (394). In the former the pendency exceeded that at the end of the previous quarter by 7 suits and at the end of the corresponding quarter of the previous year by 21 suits. In Kundapur (both Principal and Additional) 413 suits were pending as compared with 501 in the corresponding quarter of the previous year and with 436 in the previous quarter. In Puttur the pendency (292) was nearly the same (290) as in the fourth quarter of 1924, but was less than in the previous quarter by 50 suits. The number of old suits declined from 186 at the end of the fourth quarter of 1924 to 178 at the end of the quarter under review the pendency at the end of the previous quarter being 165. The highest pendency of these suits was in Udipi (63) as compared with 14 at the end of the fourth quarter 1924 and 49 at the end of the previous quarter. In Kasargod the pendency declined from 62 at the end of the fourth quarter of 1924 to 22 at the end of the quarter under review, while in Kundapur (Principal and Additional) it was 77 against 78 in the previous quarter and 103 at the end of the fourth quarter of 1924.

Small Cause Suits

6. There was a slight rise in institutions in all the Courts together as compared with the corresponding quarter in the previous year. The rise was general in all the Courts except Kasargod where there was a slight decrease (14). The disposals in all the Courts exceeded those in the corresponding quarter of the previous year (Cf. 756 last year with 876) though they were less than in the previous quarter by 381 suits. There was a slight rise in the pendency as compared with the corresponding quarter of the previous year (Cf. 365 last year with 389) and it fell short of that in the previous quarter by 76 suits. The number of more than three months old suits also rose from eight at the end of 4th quarter to 15 at the end of the quarter under review. In Mangalore and Udipi the number of such suits was 8 and 6 respectively as compared with 1 in each Court at the end of the 4th quarter of the previous year and 6 and 4 at the end of the previous quarter. The average duration of contested suits was 74 days as compared with 78 days in the corresponding quarter of the previous year and 81 days in the corresponding quarter of the previous year and 81 days in the previous quarter.

Execution Petitions

7. 4894 petitions were instituted against 3483 in the fourth quarter of 1924 and 4853 in the previous quarter, and 4483 were disposed of against 3804 in the fourth quarter of 1924 and 4916 in the previous quarter. 2531 petitions were pending as against 1917 in the 4th quarter 1924 and 2114 in the previous quarter. The amount involved in execution was Rs. 7,72,025 and the amount realised was Rs. 2,08,979. The highest percentage of realization was in Karkal. 29 persons were imprisoned against 32 last year and 38 in the previous quarter.

Insolvency Petitions

8. All the petitions received by the Courts were transferred to the Official Receiver. Out of 62 petitions for disposal the Official Receiver passed orders of adjudication in 29 against 11 in the corresponding quarter of 1924 and 25 in the previous quarter. 21 petitions, of which one was more than six months old, were pending against 42 (5 more than six months) at the end of the 4th quarter 1924 and 39 in the previous quarter (8 more than six months old). The average duration (106) days was slightly less than in the fourth quarter 1924 (115 days).

Claims to the extent of Rs. 2,06,546 were admitted by the Official Receiver against Rs. 2772 last year and the amount realised was Rs. 53,814 against 9,892 last year and the amount paid as dividend was 40,123 against 1,076 last year. The Official Receiver has worked with commendable promptitude. He appears to have devoted practically the whole of his time to insolvency work since his appointment.

A

DISTRICT COURT, SOUTH KANARA
Mangalore, 19th January 1926.

Sd: **K. S. Menon,**
District Judge.

By Order

Sd: **P. N. Bhandarkar,**
Sheristedar.

"True copy"

Comparative Statement of Work of the Previous O. R. for three years and Petitioner for one year.

Cases received for adjudication	Cases in which orders of adjudication passed	Cases in which proceedings had to be taken	Cases fully closed	Assets realised			Assets Disbursed			Commission drawn		
From July 1922 to June 1923 132	96	532	25	24,342	2	9	23,985	11	1	1,263	4	5
From July 1923 to June 1924 158	129	582	17	9,620	14	10	10,622	3	5	492	13	10
From July 1924 to June 1925 132	87	619	20	26,562	1	7	7,149	9	2	185	13	3
From July 1925 to June 1926 133	113	250	516	1,24,401	5	3	1,15,845	8	5	5,381	7	11

B

Statement of Work of Petitioner and that of previous O. R.

Serial No.	Number of Insolvency Proceedings	Date of Adjudication	Name of the Insolvent	Steps taken by the previous Official Receiver	Steps taken by the present Official Receiver	Date when the amount of commission was appropriated	Commission drawn by the present O. R.			Commission drawn by the previous O. R.		
1	2	3	4	5	6	7	8			9		
1	I. P. No. 66/1923	22. 1. '24	Shroff Narain Shetty	Adjudication Order	Possession of property, sale, framing of schedule and declaration of final dividend.	2. 11. '25 22. 12. '25	89 37	8 2	5 3	Nil Nil		
2	I. P. No. 36/1942	30. 7. '24	John Robert Pais	Do.	Do.	10. 11. '25	60	8	0	Nil		
3	I. P. No. 13/1922	26. 1. '22	Mahabala Bhatta	Genichits were taken from tenants through clerk	Sale of properties, framing of schedule of creditors and declaration of dividend.	19. 11. '25	566	9	4	64	10	8
4	I. P. No. 26/1920	3. 7. '20	Seshappa Hebbara	Sale and adjudication order	Framing of schedule of creditors, declaration of final dividend.	19. 11. '25	16	2	8	16	2	8
5	I. P. No. 16/1919	2. 9. '19	Vasudeva Hebbara	Do.	Do.	19. 11. '25	21	10	10	10	13	6
6	I. P. No. 24/1922	22. 1. '23	A. M. Gonsalves	Genichits were taken from tenants	Sale of property, framing of schedule and declaration of dividend.	19. 11. '25	1,046	9	8	53	4	0
7	I. P. No. 103/1921	12. 9. '21	Narsimhadas Kamthi	Adjudication Order	Do.	19. 11. '25	213	14	0	5	3	1
8	I. P. No. 122/'20	22. 4. '21	D. Laximinarayana Tantri	Adjudication order and sale of property	Framing of schedule of creditors and declaration of dividend.	15. 12.' 25	85	13	0	5	3	1
9	I. P. No. 90/'24	29. 8. '25	Muddanna Shetty		Adjudication order, sale of properties, framing of schedule and declaration of dividend.	16. 12. '25 22. 12. '25	28 89	0 15	10 6	Nil		
10	I. P. No. 102/'21	9. 9. '21	Lawrence Lobo	Sale and framing of schedule of creditors	Amendment of schedule and payment of dividend to creditors.	22. 12. '25	3	12	4	Nil		
						Rs.	2259	10	10	155	5	0

11	I. P. No. 32/'25	18. 4. '25	Cherdappa Vittal Naik		Possession of property sale, framing of schedule and declaration of dividend	22. 12. '25 6. 5. '26	611 52	15 0	6 9	Nil Nil		
12	I. P. No. 69/'19	21. 10. '19	Marcel Silva	Sale and the amount in deposit, adjudication order	Framing of schedule and declaration of final dividend	13. 1. '26	1	7	5	2	15	0
13	I. P. No. 27/'23	17. 8. '23	Vasudevachari	Sale and adjudication order	Framing of schedule and declaration of final dividend	13. 1. '26	20	4	0	20	4	0
14	I. P. No. 52/'23	6. 10. '23	Juje Saldanha	Sale and the amount in deposit	Framing of schedule and declaration of final dividend	13. 1. '26	0	9	2	1	11	7
15	I. P. No. 101/'19	15. 11. '19	Somaya Naik and others	Sale of properties and amount in deposit	Framing of schedule and declaration of final dividend	13. 1. '26	1	12	6	3	9	1
16	I. P. No. 66/'21	15. 10. '21	Manual Souza	Adjudication order and amount deposited by insolvent	Framing of schedule and declaration of final dividend	13. 1. '26	8	4	0	8	4	0
17	I. P. No. 85/'23	29. 2. '24	Harekala Janardhana Naik	Sale and adjudication order	Framing of schedule and declaration of final dividend	13. 1. '26	48	8	9	48	8	9
18	I. P. No. 25/'24	20. 3. '24	Rahim Saheb Beary	Sale and amount in deposit	Do.	13. 1. '26	85	9	8	85	9	7
19	I. P. No. 21/'22	12. 8. '22	Abdulrahiman Beary	Do.	Do.	13. 1. '26	31	5	2	31	5	2
20	I. P. No. 62/'23	23. 1. '24	Narsimhadas	Adjudication order	Realisation of assets, framing of schedule and declaration of dividend	23. 1. '26	39	9	8	Nil		
21	I. P. No. 68/'24	7. 3. '25	N. P. Raju Chetty and Kandasami Chetty	Part realisation of assets	Realisation of assets, sale and framing of schedule and payment of dividend	26. 1. '26 6. 5. '26	144 211	11 10	2 7	72 105	5 13	8 4
22	I. P. No. 54/'22 I. P. No. 8/'23	27. 10. '23 27. 9. '24	K. Ganapati Shanbhaga K. Ananta Shanbhaga	Adjudication order	Sale of properties and payment to mortgagee	26. 1. '26	90	0	0	Nil		
23	I. P. No. 84/'25	19. 9. '25	B. Somappa		Possession of property and sale and payment to creditors	30. 1. '26 12. 2. '26	474 229	0 0	0 9	Nil		

Serial No.	Number of Insolvency Proceedings	Date of Adjudication	Name of the Insolvent	Steps taken by the previous Official Receiver	Steps taken by the present Official Receiver	Date when the amount of commission was appropriated	Commission drawn by the present O. R.			Commission drawn by the previous O. R.		
1	2	3	4	5	6	7	8			9		
24	I. P. No. 80/'25	5. 12. '25	Moolky Ganesh Kamthi		Possession, sale and payment of dividend	25. 2. '26	42	4	0	Nil		
25	I. P. No. 11/'22	16. 9. '22	S. Subba Rao	Adjudication order	Possession of properties and scheme approved	3. 3. '26	32	15	6	Nil		
26	I. P. No. 32/'22	2. 9. '22	Kunhi Moidine Saheb	Do.	Sale of properties and payment to mortgagee	16. 3. '26	38	6	3	Nil		
27	I. P. No. 96/'25	30. 10. '25	Trasi Manjunatha Shanbhaga		Sale, framing of schedule, declaration of dividend	8. 4. '26	241	5	6	Nil		
28	I. P. No. 31/'24	12. 3. '24	Sakrevyasachari	Sale and amount in deposit	Sale of balance properties and declaration of dividend	8. 4. '26	20	13	11	83	7	9
29	I. P. No. 98/'21	17. 2. '22	Raymond Souza	Amount of sale proceeds in deposit and adjudication	Framing of schedule and declaration of final dividend	8. 4. '26	1	15	7	7	14	3
30	I. P. No. 18/'24	10. 9. '24	Kallayi Koraga Shanbhaga	Adjudication order	Sale, framing of schedule and declaration of dividend	8. 4. '26	21	4	0	Nil		
31	I. P. No. 103/'25	30. 1. '26	J. M. Lobo		Adjudication, sale of properties and declaration of dividend	8. 4. '26	307	5	6	Nil		
32	I. P. No. 50/'21	6. 5. '21	A. J. Lobo	Sale and amount in deposit	Additional schedule and declaration of dividend and payment to creditors	17. 4. '26	45	12	0	137	4	0
33	I. P. No. 82/'24	15. 8. '25	Nandavar Narsimha Shanbhaga		Sale, framing of schedule and payment of creditors	17. 4. '26	110	0	0	Nil		
34	I. P. No. 122/'21	20. 1. '22	Kotiappa Shetty	Adjudication order	Seizure of moveables and sale and framing of schedule and declaration of dividend	7. 6. '26	7	10	0	Nil		

35	I. P. No. 83/'22	17. 10. '23	T. M. Parmeshwara Tiramampu	Amount deposited by the insolvent	Framing of schedule and declaration of dividend	6. 5. '26	1	3	5	3	10	4
36	I. P. No. 62/'25	7. 8. '25	Nagar Srinivasa Naik		Possession of properties sale, and framing of schedule and declaration of dividend	30. 6. '26 2. 7. '26	200 345	0 8	0 9	Nil		
37	I. P. No. 19/'24	20. 9. '24	Nagar Narsimha Naik	Adjudication order	Sale, framing of schedule and declaration of dividend	7. 8. '26	187	15	8	2	1	7
38	I. P. No. 106/'24	5. 12. '24	Nagar Parasurama Naik		Sale, framing of schedule and payment of dividend	7. 8. '26	198	13	9	20	4	0
39	I. P. No. 25/'25	Dismissed 13. 3. '26	Kunjarkhan Vishnu Bhatta		Seizure of property	24. 9. '26	6	3	0	Nil		
						Rs.	6,119	15	9	790	5	9

12

John P. Siqueira,
Official Receiver.

Mangalore,
6th January 1927.

C. P. M.

13

Law (General) Department.

Official Receiver, South Kanara - Memorial for increase of remuneration

pp 1-2 C.F.

From the Regr.High Court, R.O. C. 107 B-1/27 dd.10-4-27.

U.S.

pp. 3-5 C.F.

The petition of the Official Receiver, South Kanara, contains the following two main points: --

Paras 5 and 6 on page 3 C.F.

(a) the Officer Receiver's time is entirely taken up with Insolvency work so that he has no time to attend to his professional duties and thereby earn some additional income; a n d

Para 13 on pg 5 C.F.

(b) the estates he has to administer being poor, he does not get adequate remuneration.

Para 12 on pp. 4-5 C.F.

2. Consequently the Official Receiver prays that:-

(i). the Commission of Official Receivers be raised from 5 to 6 per cent or

(ii) that the rebate in accordance with the scale laid down in G.O.No.3036 Law(General),dd. 18th Dec. 1923, be held in abeyance, as a tentative measure, for at least two years so far as his district is concerned, and that the rebate of Rs. 1064 -2-6 paid by him to Government may be refunded to him.

(K)

Para 5 C.F.

3. As regards (i) above, it is submitted that the Honourable the Judges have already, in 1921, expressed themselves against any increase in the commission levied on an insolvent's estate on the ground that it is not advisable to make insolvency administration more expensive to creditors and debtors. This opinion was expressed by the High Court at a time when, as a result of the payment of a monthly salary of Rs. 50 to the official receivers, the scheme was working at a loss. Now that the salary of official receivers has been abolished and the scheme is expected to work on more favourable terms, it seems untenable to increase the rate of

Para 4 on pp. 9-10 C.F. 192 / 26.4.21 (O)

Vide pp 1-2 ibid

(K)

Ar 17527

commission.

As regards point ii on page i ante, attention is invited to Letter No. 411 Law (General) dated 9th Feb. 1927 and to G.O.No. 1548, Law(General) dated 12th May 1927 for the reason why deductions in the commission earned by official received have been prescribed by Government. The petitioner's request is that so far as his district is concerned, the rebate should be held in abeyance for two years and that the amount of Rs. 1064 -2-6 already paid by him to Govt. may be refunded to him. It is for consideration whether in view of (a) and (b) on page 1 ante, this request will be granted. The High Court does not make any recommendation either for the grant or against it. Submitted for orders whether the specific recommendation of the High Court should be obtained. It is likely that there will be other official receivers placed in the same situation as the official receiver of S.Kanara.

(J) (F)

Para 14 on p. 5 of

The request must be turned down - Even after making the rebate, he admits he has made about Rs 370 a month & this is hardly a remuneration

(The Hon'ble the judges simply say that they have no remarks to offer)

Dr 17527

5. The High Court states that the official receiver also requests that the expenditure incurred by him on account of the employment of an additional clerk may be refunded to him. It is submitted that the petition does not show that the official receiver has made such a request. All that he says is that owing to enormous scriptory work he had to engage the services of ~~another~~ an addl. clerk on a monthly salary of Rs.35 from out of his own pocket and that unless assistance is given to the permanent clerk it would be impossible to maintain the administrative work up-to-date and that there will be heavy arrears in future.

M 1-2 of

M 3-5 of

Para 12 on p. 6-5 of

M

N

6. With reference to M above, it is submitted that when the official receiver found the necessity for an additional clerk he ought to have represented the matter to the district judge and if there was a real necessity the Govt. would have sanctioned additional

Dr 17527

15

1573 (V)
1-5-26

establishment as was done in the case of Kistna.

7. With reference to 'N', on page 2 ante, it is submitted that the High Court has not offered any remarks on the point. It is for consideration whether the High Court may be requested to consult the district judge and forward a report on the subject.

We need not move in the matter. The Petitioner is free to go up to the Dist Judge with a separate request for an additional clerk. If he finds that in the future the work of this office continues to be too heavy for a single clerk.

MH. 13.5.27.
KRIV 14.5.27

ra 17.5.27

We may assume that the High Court has offered no remarks because it was considered that no remarks are needed. I do not think the Official Receiver has made out a good case and incidentally, on the commission basis, the more work he does the more pay he gets.

CSR. 14/5/27.

I agree with the Hs
ra 17.5.27

C. I also agree with the Hs.
CSR 18/5/27

Draft
ra 18.5.27

Draft Submd.

MH. 20.5.27.
KOW 20.5.27

CSR 23/5/27

ASSISTANT SECY TO GOVT
20 MAY 1927
LAW DEPT.

ASSISTANT SECY TO GOVT
24 MAY 1927
LAW DEPT.

50
25/5

Scott. II-5 (a)—40,006—9-11-26. (6)

Law (Leg.) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied		AK
When examined	19/	
When signed	25/5	
When despatched		

Official Receiver - North Kanara - Mr. J. P. Sequeira Memorial - remuneration - declined.

READ AGAIN G.O. No....., dated.....192 .

" " " " " 192 .

READ ALSO :—

C. No. 2202B From the Regr. H. Court Ro C., No. 107 B1/27, dated 10. 4. 1927

" " " " " " 192 .

" " " " " " 192 .

ORDER.

No. 1708, dated 25/5/1927.

The Hoible the Judges of the High Court are requested to inform Mr. J. P. Sequeira Official Receiver, North Kanara that the Govt. see no reason to comply ~~decline to grant~~ with the requests contained in his memorial.

Ro. 5. 27.

KRW 20.5.27

CJ 23/5/27

To

The Hoible the C.J. with CR.